After Recording Return to:
Tacoma-Pierce County Health Department
3629 South D Street, MS 1035
Tacoma, WA 98418-6813

AGREEMENT

THIS AGREEMENT made and entered this ___ day of _____ , 20 ___ , by and between the TACOMA-PIERCE COUNTY HEALTH DEPARTMENT, hereinafter referred to as "Department" and _____ hereinafter referred to as "Owner."

WHEREAS, Owner is requesting approval of a repair sewage disposal application through his Designer _____ from the Department for his property located at _____ _____ (the "site") and more fully described as follows:

Parcel Number:

Legal Description:

WHEREAS, Department has inspected the site and reviewed the site design presented by the Designer, and concurs with the Designer that the site and/or design does not meet the standards found in Chapter 2 of the Environmental Health Code, *On-Site Sewage* (Resolution 2010-4222); and

WHEREAS, despite the knowledge of said substandard design and/or site as set forth hereinafter, Owner still desires to repair the failing system by installing the system proposed by his Designer, in the proposed site, and further specifically requests that the Department approve the application and issue a repair permit pursuant to Chapter 2 of the Environmental Health Code, *On-Site Sewage* (Resolution 2010-4222), Sections 13 and 32(B).

NOW, THEREFORE, IT IS HEREBY AGREED AS FOLLOWS:

1. The sewage disposal system is substandard with respect to the following:

SUBSTANDARD ITEM	**EXPLANATION OF HOW IT IS SUBSTANDARD**

2. Owner shall abide by the approved site design, the requirements of the installation permit issued by the Department, and the following restrictions:

   a. A prohibition against expansion of the repaired onsite sewage disposal system, addition of any structures, or change of use to the property without written approval in advance from the health officer; and
   b. A requirement to comply with the O&M requirements set forth in Chapter 2 of the Environmental Health Code, *On-Site Sewage* (Resolution 2010-4222), Sections 37 through 44, as now or hereafter amended.

3. Owner shall indemnify, release, and hold Pierce County, the City of Tacoma, the Department, and their respective elected and appointed officials, employees and agents, harmless from all claims by any person for property damage or personal injury, including death, arising from operation of the repaired onsite sewage disposal system, including all costs associated with its repair should it fail, regardless of the reason for failure.

4. Owner shall, at Owner's sole cost, record this Agreement with the Pierce County Auditor and provide a copy to the Department prior to issuance of the installation permit.

5. In consideration of the covenants set forth above, and provided the Owner has complied with all of

the applicable requirements in Chapter 2 of the Environmental Health Code, *On-Site Sewage* (Resolution 2010-4222), the Department agrees to approve the site application and issue the installation permit.

6. In the event either party resorts to legal action to enforce this Agreement, the prevailing party shall be entitled to recover all of its costs, including reasonable attorney fees.

7. This Agreement shall be binding on the Owner, his heirs, successors, and assigns, as well as anyone claiming an interest in the site.

DATED THIS _____ DAY OF _____ , 20_____.

OWNER:

By: _____
Its: _____

State of Washington)
)ss.
County of Pierce)

I, the undersigned, a Notary Public in and for the above named County and State, do hereby certify that on this ___ day of _____, 20 ___, personally appeared before me _____ to me known to be the individual described in and who executed the within instrument, and acknowledge that he (they) signed and sealed the same as _____ free and voluntary act and deed, for the uses and purposes therein mentioned.

GIVEN under my hand and official seal the day and year last above written.

_____
Notary Public in and for the State of Washington
residing at _____.

My Commission Expires:

TACOMA-PIERCE COUNTY HEALTH DEPARTMENT

_____ _____
Authorized Representative Date